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SPEECH

OF THE

HON. W. H. SEWARD,

ON THE ADMISSION OF

7587.147

CALIFORNIA,

AND THE SUBJECT OF

SLAVERY;

DELIVERED IN THE UNITED STATES SENATE, ON MONDAY, MARCH 11, 1850.

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REDDING & COMPANY.
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SPEECH.

Mr. SEWARD having the floor, rose and said:

Mr. PRESIDENT: Four years ago, California, scarcely inhabited and quite unexplored, was unknown even to our usually immoderate desires, except by a harbor, capacious and tranquil, which only statesmen then foresaw would be useful in the Oriental commerce of a far distant if not merely chimerical future.

A year ago, California was a mere military dependency of our own, and we were celebrating, with enthusiasm and unanimity, its acquisition, with its newly discovered but yet untold and untouched mineral wealth, as the most auspicious of many and unparalleled achievements.

To-day, California is a State, more populous than the least, and richer than several of the greatest of our thirty States. This same California, thus rich and populous, is here asking admission into the Union, and finds us debating the dissolution of the Union itself. No wonder if we are perplexed with ever changing embarrassments; no wonder if we are appalled by ever increasing responsibilities! No wonder if we are bewildered by the ever augmenting magnitude and rapidity of national vicissitudes!

SHALL CALIFORNIA BE RECEIVED?

For myself, upon my individual judgment and conscience, I answer, Yes! For myself, as an instructed Representative of one of the States, of *that* one, even, of the States which is soonest and longest to be pressed into commercial and political rivalry by the new Commonwealth, I answer, Yes! Let California come in. Every new State, whether she comes from the east or from the west, coming from whatever part of the continent she may, is always welcome. But California, that comes from the clime where the West dies away into the rising East—California, which bounds at once the Empire and the Continent,—California, the youthful Queen of the Pacific, in her robes of Freedom, gorgeously inlaid with gold,—is doubly welcome.

And now, I inquire, FIRST, *Why should California be rejected?* All the objections are founded only in the circumstances of her coming, and in the organic law which she presents for our confirmation.

First, California comes unceremoniously, without a preliminary consent of Congress, and therefore by usurpation. This allegation, I think, is not quite true—at least not quite true in spirit. California is not here of her own pure volition. We tore California violently from her place in the confederation of Mexican States, and stipulated by the treaty of Guadalupe Hidalgo, that the Territory should be admitted, by States, into the American Union as speedily as possible.

But the letter of the objection still holds; California *did* come without a preliminary consent by Congress to form a Constitution. But Michigan and other States presented themselves in the same unauthorized way, and Congress waived the irregularity, and sanctioned the usurpation. California pleads these precedents. Is not the plea sufficient?

But it has been said by the Hon. Senator from South Carolina, (Mr. Calhoun) that the ordinance of 1787 secured to Michigan the right to become a State when she should have sixty thousand inhabitants. Owing to some neg-

lect Congress delayed to take the census; and this is said in palliation of the irregularity in the case of Michigan. But California, as has been seen, had a treaty, and Congress, instead of giving her the customary territorial government, as they did to Michigan, failed to do either, and thus practically refused both, and so abandoned the new community, under most unpropitious circumstances, to anarchy. California then made a Constitution for herself; but not unnecessarily and presumptuously, as did Michigan. She made a Constitution for herself, and came here under the law—the paramount law of self-preservation. I think she stands justified.

Indeed, California is more than justified. She was a *Colony—a military Colony*. All Colonies, especially *military* Colonies, are incongruous with our political system, and they are equally open to corruption and exposed to oppression. They are therefore not more unfortunate in their own proper condition than fruitful in dangers to the parent Democracy. California, then, acted wisely and well in establishing self-government. She deserves not rebuke, but praise and approbation.

Nor does this objection come with a good grace from those who offer it. If California were now content to receive only a Territorial Charter, we could not agree to grant it without an inhibition of Slavery, which in that case, being a federal act of federal *authority*, would render the attitude of California as a Territory even more offensive to those who now repel her than she is as a State with the same inhibition in the Constitution of her own voluntary choice.

The second objection is, that California has assigned her own boundaries, without the previous authority of Congress. But she was left to organize herself, without any boundaries fixed by previous law, or by prescription. She was obliged, therefore, to assume boundaries, since without boundaries she must have remained unorganized.

A third objection is, that California is too large. I answer: first, there is no common standard of the size of States. California, though greater than many, is less than one of the States. Second, California, if too large, may be divided with her own consent, and that is all the security we have for reducing the magnitude and averting the preponderance of Texas. Thirdly, the boundaries of California seem not at all unnatural. The Territory circumscribed is altogether contiguous and compact. Fourth, the boundaries are convenient. They embrace only inhabited portions of the country, commercially connected with the port of San Francisco. No one has pretended to offer boundaries more in harmony with the physical outlines of the region concerned, or more convenient for civil administration.

But to draw closer to the question. What shall be the boundaries of a new State, concerns, first, the State herself, (and California of course is content.) Secondly, adjacent communities. Orgeon does not complain of encroachment, and there is no other adjacent community to complain. Thirdly, the other States of the Union. The larger the Pacific States, the smaller will be their relative power in the Senate. All the States now here are Atlantic States and Inland States; and surely they may well indulge California in the largest liberty of boundaries.

The fourth objection to the admission of California is, that no previous census had been taken and no laws prescribing the qualification of Suffrage, and the Apportionment of Representatives in Convention, existed. I answer, California was left to act *ab initio*. She must begin some time without a census and without such laws. The Pilgrim Fathers began in the same way on board the May-Flower: and since it is objected that some of the electors in California may have been aliens, I add that all the Pilgrim Fathers were aliens and strangers to the Commonwealth of Plymouth.

Again, the objection may well be received if the Constitution of California is satisfactory—first, to herself, and secondly, to the United States. As regards the first of these, not a murmur of discontent has followed California to this place; and as to ourselves, we confine our inquiries about the Constitution with a view to four things: First, the boundaries assumed; and I have con-

sidered that point in this case already. Second, that the domain in this State is secured to us; and it is admitted that this has been done, properly done. Third, that the Constitution shall be Republican, and not aristocratic or monarchical. In this case the only objection is that the Constitution, inasmuch as it inhibits Slavery, is altogether too Republican. Fourth, that the Representation claimed shall be just and equal. No one denies that the population of California is sufficient to demand two Representatives on the federal basis; and secondly, a new census is at hand, and the error, if there be one, will be immediately corrected.

The fifth objection is, that California comes under Executive influences—first, in her coming as a Free State, and second, in her coming at all. The first charge rests on suspicion only—is peremptorily denied, and the denial is not controverted by proofs. I dismiss it altogether. The second is true to the extent that the present President advised the People of California that, having been left without any civil government, under the military supervision of the Executive, without any authority of law whatever, the adoption of a Constitution subject to the approval of Congress would be regarded favorably by the President.

Only a year ago it was complained that the exercise of the military power to maintain law and order in California was a fearful innovation; but now the wind has changed, and blows even stronger from the opposite quarter. May this Republic never have a President commit a more serious or more dangerous usurpation of power than the act of the present eminent Chief Magistrate in endeavoring to induce the legislative authorities to relieve him from the exercise of military power, by establishing civil institutions regulated by law, in distant provinces. Rome would have been standing this day if she had had such Generals and such Magistrates.

But the objection, whether true in part or even in the whole, is immaterial. The question is not what moved California to impress any particular feature in her Constitution, nor even what induced her to adopt a constitution at all; but it is whether, since she has adopted a Constitution, she shall be admitted into the Union.

I have now reviewed all the objections raised against the admission of California. It is seen that they have no foundation in the law of nature and of nations. Nor are they founded in the Constitution, for the Constitution prescribes no form or manner of proceeding in the admission of new States, but leaves the whole to the discretion of Congress. "Congress may admit new States." The objections are all merely formal and technical. They rest on precedents which have not always, nor even generally, been observed.

But it is said that we ought now to establish a safe precedent for the future; I answer, it is too late to seize this occasion for that purpose, the irregularity complained of being unavoidable. The caution should have been exercised, first, when Texas was annexed; second, when we waged war against Mexico; or third, when we ratified the treaty of Guadalupe Hidalgo. Again: we may establish precedents at pleasure. Our successors will exercise their pleasure about following them, just as we have done in such cases. Third: States, Nations, and Empires are apt to be peculiarly capricious, not only as to the time, but even as to the *manner* of their being born, and as to their subsequent political changes. They are not accustomed to conform to precedents. California sprung from the head of the nation, not only complete in proportions and fully armed, but ripe for affiliation with its members.

I proceed now to state my reasons for the opinion that California ought to be admitted. The population of the United States consists of native Caucasian origin, and exotics of the same derivation. The native mass rapidly assimilates to itself and absorbs the exotic, and these therefore constitute one homogeneous people. The African race, bond and free, and the aborigines, savage and civilized, being incapable of such assimilation and absorption, remain distinct, and, owing to their peculiar condition, constitute inferior masses, and may be regarded as accidental, if not disturbing political forces.

The ruling homogeneous family was planted at first on the Atlantic shore,

and, following an obvious law, is seen continually and rapidly spreading itself westward year by year, subduing the wilderness and the prairie, and thus extending this great political community, which, as fast as it advances, breaks into distinct States for municipal purposes only, while the whole constitutes one entire contiguous and compact nation.

Well-established rules of political arithmetic enable us to say that the aggregate population of the nation now is 22 millions; that 10 years hence it will be 30 millions, 20 years hence 38 millions, 30 years hence 50 millions, 40 years hence 64 millions, 50 years hence 80 millions, and 100 years hence 200 millions! But the advance of population on the Pacific will far exceed what occurred on the Atlantic coast, while emigration even here is outstripping the calculation on which these estimates are based. There are silver and gold in the mountains and ravines of california. The granite of New England is barren.

Allowing due consideration to the increasing density of our population, we are safe in assuming that long before this mass shall have attained the maximum of numbers indicated, the entire width of our possessions, from the Atlantic to the Pacific Ocean, will be covered by it and be brought into social maturity and complete political organization.

The question now arises, Shall this one great People, having a common origin, a common language, a common religion, common sentiments, interests, sympathies, and hopes, remain one political State, one Nation, one Republic? or shall it be broken into two conflicting and probably hostile Nations or Republics? There cannot ultimately be more than two; for the habit of association is already formed, as the interests of mutual intercourse are forming, and the central portions, if they cannot all command access to both oceans, will not be obstructed in their approaches to that one which offers the greatest facilities to their commerce.

Shall the American people, then, be divided? Before deciding on this question, let us consider our position, our power, and capabilities. The world contains no seat of empire so magnificent as this, which, while it embraces all the varying climates of the temperate zone, and is traversed by wide expanding lakes and long branching rivers, offers supplies on the Atlantic shore to the overcrowded nations of Europe, while on the Pacific coast it intercepts the commerce of the Indies. The nation thus situated, and enjoying forest, mineral, and agricultural resources unequalled, if they are endowed also with moral energies adequate to the achievement of great enterprise, and favored with a government adapted to their character and condition, must command the empire of the seas, which alone is *real* empire. We think that we may claim to have inherited physical and intellectual vigor, courage, invention, and enterprise, and the systems of education prevailing among us open to all the stores of human science and art.

The Old World and the Past were allotted by Providence to the pupilage of mankind, under the hard discipline of arbitrary power quelling the violence of human passion. The New World and the Future seem to have been appointed for the maturity of mankind, with the development of self-government, operating in obedience to reason and judgment. We have thoroughly tried our moral system of Democratic Federal Government, with its complex yet harmonious and effective combination of distinct local elective agencies for the conduct of domestic affairs, and its common central elective agencies for the regulation of internal interests, and of intercourse with foreign nations, and we know that it is a system equally cohesive in its parts and capable of all desirable expansion; and that it is a system, moreover, perfectly adapted to secure domestic tranquility, while it brings into action all the elements of national aggrandizement.

The Atlantic States, through their commercial, social, and political affinities and sympathies, are steadily renovating the governments and the social constitutions of Europe and of Africa. The Pacific States must necessarily perform the same sublime and beneficent functions in Asia. If, then, the American people shall remain one individual nation, the ripening civilization of the

West, after a separation growing wider and wider for four thousand years, will in its circuit of the world meet again and mingle with the declining civilization of the East, on our own free soil, and a new and more perfect civilization will arise to bless the earth, under the sway of our own cherished and beneficent democratic institutions. We may then reasonably hope for greatness, felicity, and renown excelling any hitherto attained by any nation, if, standing firmly on the Continent, we loose not our grasp on the shore of either ocean. Whether a destiny so magnificent would be only partially defeated, or whether it would be altogether lost, by a relaxation of that grasp, surpasses our wisdom to determine, and happily is not important to be determined. It is enough if we agree that expectations so grand, yet so reasonable and so just, ought not to be in any degree disappointed.

And now it seems to me that the perpetual unity of our empire hangs on the decision of this day and of this hour. California is already a State—a complete and fully appointed State; she never again can be less than that. She can never again be a Province or a Colony. Nor can she be made to shrink and shrivel into the proportions of a federal dependent territory. California, then, henceforth and forever, must be what she is now—a State. The question, whether she shall be one of the United States of America, has depended on her and on us. Her election has been made. Our consent alone remains suspended, and that consent must be pronounced now or never. I say now or never! Nothing prevents it now but want of agreement among ourselves. Our harmony cannot increase while this question remains open. We shall never agree to admit California unless we agree now.

Nor will California abide delay. I do not say that she contemplates independence; but if she does not, it is because she does not anticipate rejection. Do you say that she can have no motive? Consider, then, her attitude if rejected. She needs a capital, a legislature, and magistrates; she needs titles to that golden domain of ours within her borders, good titles, too, and you must give them on your own terms, or she must take them without your leave. She needs a mint, a custom house, wharves, hospitals, and institutions of learning. She needs fortifications, roads, and railroads. She needs the protection of an army and a navy. Either your stars and stripes must wave over her ports and her fleets, or she must raise aloft a standard for herself. She needs at least to know whether you are friends or enemies. And, finally, she needs what no American community can live without—sovereignty and independence—either a just and equal share of yours, or sovereignty and independence of her own.

Will you say that California could not aggrandize herself by separation? Would it then be a mean ambition to set up within fifty years, on the Pacific coast, monuments like those which we think two hundred years have been well spent in establishing on the Atlantic coast? Will you say that California has no ability to become independent? She has the same moral ability for enterprise that inheres in us, and that ability implies command of all physical means. She has advantages of position; she is practically farther removed from you than England. You cannot reach her by railroad or by unbroken steamboat navigation. You can send no armies over the prairie, the mountain and the desert; nor across the remote and narrow Isthmus, within a foreign jurisdiction; nor around the Cape of Storms. You may send a navy there, but she has only to open her mines, and she can reduce your marines and appropriate your floating bulwarks to her own defence. Let her only seize your domain within her borders, and your commerce in her port, and she will have at once revenue and credit adequate to all her necessities. Beside, are we so moderate, and has the world become so just, that we have no rivals and no enemies to lend their sympathies and aid to compass the dismemberment of our empire? Try not the temper or the fidelity of California; at least not now, not yet. Cherish her and indulge her until you have extended your settlements to her borders, and bound her fast by railroads and canals and telegraphs to your interests; until her affinities of intercourse are established, and habits of loyalty are fixed, and then she can never be disengaged.

California would not go alone; Oregon, so intimately allied to her, and as

yet so loosely attached to us, will go also; and then, at least the entire Pacific coast, with the western declivity of the Sierra Nevada, would be lost. It would not depend at all on us, nor even on the mere forbearance of California, how far eastward the long line across the temperate zone should be drawn which should separate the Republic of the Pacific from the Republic of the Atlantic. TERMINUS has passed away with all the deities of the ancient Pantheon, but his sceptre remains. Commerce is the god of boundaries, and no man now living can foretell its ultimate decree.

But it is insisted that the admission of California shall be attended by a COMPROMISE of questions which have arisen out of SLAVERY. I am opposed to any such compromise, in any and all the forms in which it has been proposed. First: because while admitting the purity and the patriotism of all from whom it is my misfortune to differ, I think all legislative compromises essentially and radically wrong and indefensible. They involve the surrender of the exercise of judgment and conscience on distinct and separate questions at distinct and separate times, with the indispensable advantages it affords for ascertaining truth. They involve a relinquishment of the right to reconsider in future the decisions of the present on questions prematurely anticipated, and they are an usurpation, as to future questions of the province of future legislators.

Sir, it seems to me as if Slavery had laid its paralyzing hand upon myself, and the blood were coursing less freely than its wont through my veins, when I endeavor to suppose that such a compromise has been effected, and my utterance forever is arrested upon all the great questions, social, moral, and political, arising out of a subject so important and as yet so incomprehensible. What am I to receive in this compromise? Freedom in California? It is well. It is a noble acquisition. But what am I give up as an equivalent? A recognition of the claim to perpetuate Slavery in the District of Columbia! Forbearance toward more stringent laws concerning the arrest of persons suspected of being Slaves, found in the Free States! Forbearance from the Proviso of Freedom, in the charters of new Territories. None of the plans of compromise offered demand less than two, and most of them insist on all, of these conditions. The equivalent then is, some portion of Liberty, some portion of Human Rights in one region, for Liberty in another region. But California brings gold and commerce as well as Freedom. I am then to surrender some portion of Human Freedom in the District of Columbia, and in East California and New Mexico, for the mixed consideration of Liberty, Gold, and Power on the Pacific coast!

This view of Legislative compromises is not new. It has widely prevailed, and many of the State Constitutions interdict the introduction of more than one subject into one bill submitted for legislative action.

Sir, it was of such compromises that Burke said, in one of the loftiest bursts of even his majestic parliamentary eloquence:

"Far, far from the Commons of Great Britain, be all manner of real vice; but ten thousand times further from them, as far as from pole to pole, be the whole tribe of spurious, affected, counterfeit, and hypocritical virtues. These are the things which are ten thousand times more at war with real virtue—these are the things which are ten thousand times more at war with real duty—than any vice known by its name, and distinguished by its proper character.

"Far, far from us be that false and affected candor that is eternally in treaty with crime—that half virtue which, like the ambiguous animal that plays about in the twilight of a compromise between day and night, is to a just man's eye an odious and disgusting thing. There is no middle point, my Lords, in which the Commons of Great Britain can meet tyranny and oppression."

But, Sir, could I overcome my repugnance to compromises in general, I should object to this one on the ground of the inequality and incongruity of the interests to be compromised. Why, Sir, according to the views I have submitted, California ought to come in and must come in, whether Slavery stands or falls in the District of Columbia, New Mexico and Eastern California, and even whether Slavery stands or falls in the Slave States. California ought to come in, and must come in, at all events. It is an independent question. What, then, are these questions arising out of Slavery, thus

interposed, but collateral questions? They are unnecessary and incongruous, and therefore false issues, not introduced designedly, indeed, to defend that great policy, yet unavoidably tending to that end.

But consent on my part to the compromise would be disingenuous and fraudulent. It is now avowed by the Hon. Senator from South Carolina (Mr. Calhoun) that nothing will satisfy the Slave States but a compromise that will convince them that they can remain in the Union consistently with their honor and safety. And what are the concessions which will have that effect? Here they are, in the words of that Senator:—

"The North must do justice by conceding to the South an equal right in the acquired Territory, and do her duty by causing the stipulations relative to fugitive slaves to be faithfully fulfilled; cease the agitation of the slave question, and provide for the insertion of a provision in the Constitution, by an amendment, which will restore to the South, in substance, the power she possessed of protecting herself before the equilibrium between the sections was destroyed by the action of this government."

These terms amount to this,—that the Free States, having already a majority of population, and majorities in both Houses of Congress, shall concede to the Slave States, being in a minority in both, the unequal advantage of an equality,—that is, that we shall alter the Constitution so as to convert the government from a national Democracy, controlled by a Constitutional majority of voices, into a federal alliance, in which the minority shall have a veto against the majority! and thus to return to the original articles of Confederation.

I will not stop to protest against the injustice and inexpediency of an innovation which, if it were practicable, would be so entirely subversive of the principle of Democratic institutions. It is enough to say that it is totally impracticable. The Free States, Northern and Western, have acquiesced in the long and nearly unbroken ascendency of the Slave States under the Constitution, because the result happened under the Constitution. But they have honor and interests to preserve; and there is nothing in the nature or in the character of the people to induce an expectation that they, loyal as they are, are insensible to the duty of defending them.

But the scheme would still be impracticable, if even this difficulty were overcome. What is proposed is a political equilibrium. Every political equilibrium requires a physical equilibrium to rest upon, and is valueless without it. To constitute a physical equilibrium between the Slave States and the Free States requires, first, an equality of territory or some near approximation, and this is already lost. But it requires much more than this. It requires an equality or a proximate equality in the number of slaves and freemen, and this must be perpetual.

But the census of 1840 gives a slave basis of only two millions and a half, and a free basis of fourteen millions and a half. The population on the slave basis increases in the ratio of 25 per cent. for ten years, while that on the free basis advances at the rate of 38 per cent. The accelerating movement of the free population now complained of, will occupy the new Territories with pioneers, and every day increase the difficulty of forcing or insinuating Slavery into regions which freemen have preoccupied. And if this were possible, the African Slave Trade is prohibited, and the domestic increase is not sufficient to supply the new Slave States which are expected to maintain the equilibrium.

The theory of a new political equilibrium claims that it once existed and has been lost. When lost, and how? It began to be lost in 1787, when preliminary arrangements were made to admit five new States in the Northwest Territory, two years before the Constitution was finally adopted;—that is, it began to be lost two years before it began to exist!

Sir, the equilibrium, if restored, would be lost more rapidly than it was before. The progress of the free population is to be accelerated by emigration from Europe and Asia, while that of the slaves is to be checked and retarded by inevitable partial emancipation. Nothing, says Montesquieu, reduces a man so low as always to see freemen, and yet not be free. Persons in that condition are natural enemies of the State, and their numbers would be dan-

gerous if increased too high! Sir, the fugitive slave colonies in the Free States, in Canada and in Liberia, are the best guarantees South Carolina has for the perpetuity of slavery.

Nor would success attend any of the details of the compromise. And first, I advert to the amendment of the law concerning fugitives from service or labor. The Constitution contains only a compact which rests for its execution on the States. Not content with this, the Slave States induced legislation by Congress; and the Supreme Court of the United States have virtually decided that the whole subject is within the province of Congress, and exclusive of State authority. Nay, they have decided that slaves are to be regarded not merely as persons to be claimed, but as property and chattels to be seized without any legal authority or claim whatever.

The compact is thus subverted by the procurement of the Slave States; with what reason, then, can they expect the States *ex gratia* to reassume the obligations from which they caused those States to be discharged? I say, then, to the Slave States, you are entitled to no more stringent law, and such a one would be useless. The cause of the insufficiency of the present statute is not at all the leniency of its provisions. It is a law that deprives the alleged refugee from a legal obligation not assumed by him, but imposed upon him by laws enacted before he was born, of the writ of *habeas corpus*, and of any certain judicial process of examination of the claim set up by his pursuer, and finally degrades him into a chattel, which may be seized and carried away peaceably wherever found, even although exercising the rights and responsibilities of a free citizen of the Commonwealth in which he resides, and of the United States; a law which denies to the citizen all the safeguards of personal liberty, to render less possible the escape of the bondman.

We deem its principle therefore unjust, unconstitutional, and immoral; and thus, while patriotism withholds its approbation, the consciences of our people condemn it. You will say that these convictions of ours are disloyal. Grant it, for argument's sake; they are, nevertheless, honest. And the law is to be executed among us, not among you; not *by* us, but by the federal authority. Has any government ever succeeded in changing the moral convictions of its subjects by force? But these convictions imply no disloyalty. We revere the Constitution, although we perceive this defect, just as we acknowledge the splendor and the power of the sun, although its surface is tarnished with here and there an opaque spot.

Your Constitution and Law converts hospitality to the refugees from the most degrading oppression on earth into a crime. But all mankind, except you, esteem that hospitality a virtue. The right of extradition, of even fugitives from justice, is not admitted by the law of nature and of nations, but rests on voluntary compact.

Only two compacts found in diplomatic history admitted extradition of slaves. Here is one of them. It is found in a treaty made between Alexander Comnenus, the Greek Emperor at Constantinople, and Oleg II., King of Russia, in the year 902, and is in these words:—

"If a Russian slave take flight from his master, or if he shall be held under pretence of having been bought, his master may pursue him and take him wheresoever he may be found; and whosoever shall prevent his master from taking him, shall be guilty of offending this treaty, and shall be punished accordingly."

This was in the year of grace 902, in what is called the Dark Ages, and the contracting powers were Despotism.

And here is the other:—

"No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any laws or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor is due."

This is from the Constitution of the United States in 1787, and the parties were the Republican States of this Union.

The law of nations disavows such compacts—the law of nations, written on the hearts and consciences of freemen, repudiates them. Armed power

could not enforce them, because there is no public conscience to sustain them. I know that there are laws of various sorts that regulate the conduct of men. There are constitutions and statutes, laws mercantile and codes civil; but when we are legislating for States, especially when we are founding States, all these laws must be brought to the standard of the laws of God, and must be tried by that standard, and stand or fall by it. It is of this principle that an eminent political philosopher of England, Burke, said,—

"There is but one law for all, namely, that law which governs all law—the law of our Creator—the law of humanity, justice, equity—the law of nature and of nations. So far as any laws fortify this primeval law, and give it more precision, more energy, more effect by their declarations, such laws enter into the sanctuary and participate in the sacredness of its character. But the man who quotes as precedents the abuses of tyrants and robbers, pollutes the very fountains of justice, destroys the foundations of all law, and therefore removes the only safeguard against evil men, whether governors or governed, the guard which prevents governors from becoming tyrants, and the governed from becoming rebels."

There was deep philosophy in the confession of an eminent English judge. When he had condemned a young woman to death under the late sanguinary code of his country, for her first petty theft, she fell dead at his feet. "I seem to myself," said he, "to have been pronouncing sentence, not against the prisoner, but against the law itself."

To conclude on this point, WE ARE NOT SLAVEHOLDERS; we cannot in our judgment be either true Christians or real freemen, if we impose on another a chain that we deny all human power to fasten on ourselves. You believe and think otherwise, and doubtless with equal sincerity. We judge you not, and He alone who ordained the conscience of man and its laws of action can judge us. Do we then in this conflict demand of you an unreasonable thing in asking that, since you will have property that can and will exercise human power to effect its escape, you shall be your own police, and in acting among us as such, you shall conform to principles indispensable to the security of admitted rights of freemen?

Another feature in most of the plans of compromise, is a bill of peace for Slavery in the District of Columbia, and this bill of peace we cannot grant. We of the Free States are, equally with you of the Slave States, responsible for the existence of Slavery in this District, the field exclusively of our common legislation. I regret that as yet I see little reason to hope that a majority in favor of emancipation exists here. The Legislature of New York—from whom, with great deference, I dissent—seems willing to accept now the extinction of the slave trade, and waive emancipation.

But we shall assume the whole responsibility, if we stipulate not to exercise the power hereafter when a majority shall be obtained. Nor will the plea with which you would furnish us be of any avail. If I could understand myself, I should never be able to explain to the direct understanding of the people whom I represent how it was that an absolute and express power to legislate in all cases over the District of Columbia, was embarrassed and defeated by an implied condition not to legislate for the abolition of slavery in that District. Sir, I shall vote for that measure, and am willing to appropriate any means to carry it into execution. And if I shall be asked what I did to embellish the capital of my country, I will point to her freed men and say, 'These are the monuments of my munificence.' If I was willing to advance a cause that I deem sacred by disingenuous means, I would advise you to adopt these measures of compromise which I have thus examined. The echo is not quicker in its response than would be that loud and universal cry of *Repeal!* that would not die away until the *habeas corpus* was secured to the alleged fugitive from bondage, and the symmetry of the free institutions of the capital was perfected.

I apply the same observations to the proposition for a waiver of the Proviso of Freedom in Territorial charters. Thus far you have only direct popular action in favor of that ordinance, and there seems even to be a partial disposition to await the action of the people of the new Territories, as we have compulsorily waited for it in California. But I must tell you, nevertheless, in

all candor and in plainness, that the spirit of the people in the Free States is set upon a spring that rises with the pressure put upon it. That spring, if pressed too hard, will give a recoil that will not leave here one servant who knew his master's will and did it not. You will say that this implies violence. Not at all; it implies only peaceful, lawful, constitutional, customary action. I cannot too strongly express my surprise that those who insist that the people of the Slave States cannot be held back from remedies outside of the Constitution, should so far misunderstand us of the Free States as to suppose we would not exercise our constitutional rights to sustain the policy which we deem just and beneficent.

I object in the next place to the compromise of the boundary between Texas and New Mexico. That is a judicial question in its nature, or at least a question of legal right and title. If it is to be compromised at all, it is due to the two parties, to national dignity, as well as to justice, that it be kept separate from compromises proceeding on the ground of expediency, and be settled by itself alone.

I take this occasion to say that I do not intend to discuss the question which has been raised by the honorable and distinguished Senator from Massachusetts (Mr. Webster). But I am compelled to say that I have not the good fortune to concur with him in the opinions which he has expressed in regard to the admission of new States to be formed out of the State of Texas. There are various questions involved in that subject which I think this is not the time to decide, and which I wish to reserve for future consideration. One is, whether the article of Annexation does really deprive Congress of the right to express its voice in regard to the subdivision of the State of Texas. I only say that to me it seems by no means so plain a question as the Senator assumes, and therefore with me it must remain a question for future consideration,—an open question, whether Congress is not a party whose future consent is necessary to any division of Texas.

Mr. WEBSTER—Will the Senator allow me to ask him one question?

Mr. SEWARD—Certainly, sir.

Mr. WEBSTER—Supposing Congress to have the authority to fix the number of States and the time of election, the apportionment of representation, &c., the question is, whether, if new States are formed out of Texas to come into this Union, there is not a solemn pledge by law that they have a right to come in as Slave States.

Mr. SEWARD—The article is in effect in these words: New States, not exceeding four in number, may be framed out of the Territory of Texas, with the consent of Texas, and shall be admitted into the Union, with or without Slavery if they shall choose.

Mr. WEBSTER—If they "choose," they may come in as Slave States.

Mr. SEWARD—I beg pardon of the Hon. Senator, but it is with or *without* Slavery. But I pass the question, as the volume is not at hand, and I fear I shall trespass on the time of the Senate by waiting for it. I am moreover not unconstitutional. I find no authority in the Constitution of the United States for the annexation of foreign States by resolution. What I mean now especially to insist upon is,that I must have time to deliberate until the occasion actually arrives, before I consent to any division of the State of Texas so as to bring in any new State with a Constitution maintaining Slavery. I must have the point settled that the article of Annexation is compulsory upon me, and also that it is constitutional.

Mr. FOOTE—Did I not rightly understand the Senator to say that he would have voted to admit California as a Slave State if she had voluntarily inserted such a provision in her Constitution?

Mr. SEWARD—Yes, Sir, under these extraordinary circumstances of conquest, of a compact of abandoment, of impossibility to give a Territorial government, of a Constitution adopted by the people, and of dismemberment of the empire if she was rejected,—under these circumstances, I would have received California, though she had come, to my profound regret, as a Slave State. I am happy now, Mr. President, to understand that I agree with the Hon.

member from Massachusetts, that it is not compulsory upon Congress hereafter to admit four new Slave States in Texas—that they have reserved the right to decide whether any new State shall be formed there. I shall vote for admitting no more Slave States, unless under circumstances absolutely controlling and compulsory; and such cannot now be foreseen.

Mr. WEBSTER—The Senator does not understand me. My proposition was, that States hereafter made out of Texas, with her consent, if they choose to come in as Slave States, have a right to do so.

Mr. SEWARD—My position is that they have not a right to come in if Congress shall refuse its consent. It is optional with both parties, Congress and Texas.

Mr. WEBSTER—Does the Senator hold that we may hereafter decide whether they shall be Slave States or Free States?

Mr. SEWARD—No, sir; but that Congress may decide that there shall be no States at all formed out of Texas.

Another objection arises out of the principle on which the compromise rests. That principle is a classification of the States as Northern and Southern States, as is expressed by the Hon. Senator from South Carolina, (Mr. Calhoun,) but into Slave States and Free States, as more directly expressed by the honorable Senator from Georgia (Mr. Berrien). The argument is, that the States are severally equal, and that these two classes were equal at the first, and that the Constitution was founded on that equilibrium; that the States being equal, and the classes of the States being equal in rights, they are to be regarded as constituting an association in which each State and each of the classes of States respectively contribute in due proportion; that the new Territories are a common acquisition, and that the people of these several States and classes of States have an equal right to participate in them respectively; that the right of the people of the Slave States to emigrate to the Territories with their slaves as property, is such a participation on their part, inasmuch as the people of the Free States emigrate into the same Territories with their property. And the argument deduces from this right the principle that if Congress exclude Slavery from any part of this new domain, it would be only just to set off a portion of the domain, (some say south of 36 deg. 30 min., others south of 34 deg.,) which should be regarded at least as open to Slavery, and to be organized into Slave States.

Argument, ingenious and subtile,—declamation, earnest and bold,—and persuasion, gentle and winning as the voice of the turtle-dove when it is heard in the land, all alike and all together have failed to convince me of the soundness of this principle of the proposed Compromise, or of any one of the propositions on which it is attempted to be established. How is the original equality of the States proved? It rests on a syllogism, as follows:—

"All men are equal by the law of nature and of nations. But States are only lawful aggregations of individual men, who individually are equal. Therefore States are equal in natural rights."

All this is just and sound. But assuming the same premises, to wit,—that all men are equal by the law of nature and of nations, the right of property in slaves falls to the ground; for one who is equal to another cannot be the owner or property of the other. But you answer that the Constitution recognizes property in slaves. It would be sufficient, then, to reply, that this Constitutional recognition must be void, because it is repugnant to the law of nations. But I deny that the Constitution recognizes property in man. I submit, on the other hand, most respectfully, that the Constitution not merely does not affirm that principle, but on the contrary altogether excludes it. The Constitution does not expressly affirm anything on the subject. All that it contains is two incidental allusions to slaves. These are, first, in the provision establishing a ratio of representation and taxation; second, in the provision relating to fugitives from labor. In both cases the Constitution designedly mentions slaves not *as* slaves, much less as chattels, but as persons. That this recognition of them as persons was designed is historically known, and I think never denied. I give only two of the manifold proofs.

John Jay, in the *Federalist*, says :—

"Let the case of the slaves be considered, as it is in truth a peculiar one. Let the compromising expedient of the Constitution be mutually adopted, which regards them as *inhabitants*, but as debased below the equal level of free inhabitants,—which regards the slaves as divested of two-fifths of the man.

Yes, Sir! of two-fifths, but of *only* two-fifths, leaving still three-fifths, leaving him still an inhabitant, a living, breathing, moving, reasoning, immortal man.

The other proof is from the debate in the Convention. It is brief, and I think instructive.

"Aug. 28, 1787.—Mr. BUTLER and Mr. PINCKNEY moved to require fugitive slaves and servants to be delivered up like convicts.

Mr. WILSON.—This would oblige the Executive of the State to do it at public expense.

Mr. SHERMAN saw no more propriety in the public seizing and surrendering a slave or a servant than a horse.

Mr. BUTLER withdrew his proposition in order that some particular provision might be made, apart from this article.

Aug. 29th.—Mr. BUTLER moved to insert, after Article 15, "If any person, bound to service or labor in any of the United States, shall escape into another State, he or she shall not be discharged from such service or labor in consequence of any regulations subsisting in the State to which they escape, but shall be delivered up to the person justly claiming their service or labor."

After the engrossment, Sept. 15,—

"Article IV., Sec. 2, the 3d paragraph, the term 'legally' was struck out, and the words 'under the laws thereof' inserted after the word 'State,' in compliance with the wishes of some who thought the term 'legal' equivocal, and favoring the idea that Slavery was legal in a moral view."

I deem it established, then, that the Constitution does not recognize property in men, but leaves that question, as between the States, to the law of nature and of nations. That law, as expounded by Vattel, is founded in the reason of things. When God had created the earth with its wonderful adaptations, he gave dominion over it to man,—absolute human dominion. The title thus bestowed would have been incomplete if the lord of all terrestrial things could himself have been the property of his fellow-man. The right to have a slave implies the right in some one to make the slave. That right must be equal and mutual; and that would resolve society into a state of perpetual war. But if we grant the original equality of the States, and grant also the Constitutional recognition of slaves as property, still the argument we are considering fails, because the States were not parties to the Constitution as States. It is the Constitution of the people of the United States. But even if the States continued as States, they surrendered their equality as States, and submitted themselves to the sway of the numerical majority, with qualifications or checks; first, of the representation of three-fifths of slaves in the ratio of representation and taxation; and, secondly, of the equal representation of States in the Senate.

The proposition of an established classification of States as Slave States and Free States, as asserted by some, and into northern and southern, as asserted by others, seems to me purely imaginary, and of course the supposed equilibrium of those classes is a mere conceit. This must be so; because, when the Constitution was adopted, twelve of the thirteen States were Slave States, and so there was no equilibrium. And so as to the classification of States, as Northern States and Southern States. It is the maintenance of Slavery by law in a State, not parallels of latitude, that makes it a Southern State, and the absence of this that makes it a Northern State. And so all the States, save one, were Southern States, and there was no equilibrium. But the Constitution was made not only for Southern and Northern States, but for States neither one nor the other, but Western States. Their coming in was foreseen and provided for.

It needs little argument to show that the idea of a joint-stock association, or a copartnership, as applicable even by its analogies to the United States, is erroneous, with all the consequences fancifully deduced from it. The United States are a political State or organized society, whose end is government for the security, welfare, and happiness of all who live under its protection. The theory I am combating reduces the objects of government to the mere

spoils of conquest. On the contrary of a theory so debasing, the preamble of the Constitution not only asserts the sovereignty to be not in the States but in the people, but also promulgates the objects of the Constitution.

"We, the people of the United States, in order to form a more perfect Union, establish justice insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of Liberty, do ordain and establish this Constitution."

Objects sublime and benevolent! They exclude the very idea of conquests, to be either divided among States, or even enjoyed by them for the purpose of securing, not the blessings of liberty, but the evils of slavery.

There is a novelty in the principle of this compromise which condemns it. Simultaneously with the establishment of the Constitution, Virginia ceded her domain, which then extended to the Mississippi, and was even claimed to extend to the Pacific. Congress accepted it, and unanimously devoted the domain to freedom, in the language from which the ordinance, now so severely condemned, was borrowed. Five States have already been organized on this domain, from all of which, in pursuance of that ordinance, Slavery is excluded. How did it happen that this theory of the equality of the States, of the classification of States, of the equilibrium of the States, of the title of the States to common enjoyment of the domain, or to an equitable and just partition between them, was never promulgated, nor even dreamed of by the Slave States, who unanimously consented to this ordinance?

There is another aspect of the principle of compromise which deserves consideration. It assumes that Slavery, if not the only institution, is, in a Slave State at least, the ruling institution, and that this characteristic was recognized by the Constitution. But Slavery is only *one* of many institutions there. Freedom is equally an institution there. Slavery is only a temporary, accidental, partial, incongruous one. Freedom, on the contrary, is a perpetual, organic, universal one, in harmony with the Constitution of the United States. The slaveholder himself stands under the protection of the latter, in common with all the free citizens of the State.

But the principle of this compromise gives complete ascendency in the Slave States, and in the Constitution of the United States, to the subordinate, accidental, and incongruous institution over its antagonist. To reduce this claim for Slavery to an absurdity, it is only necessary to add, that there are only two States in which the slaves are a majority, and not one in which the slaveholders are not a very disproportionate minority.

But there is yet another aspect in which this principle must be examined. It regards the domain only as a possession to be enjoyed either in common or by partition by the citizens of the old States. It is true indeed that the national domain is ours; true that it was acquired by the prowess and wealth of the whole country; but we hold, nevertheless, no arbitrary power over it. We hold no arbitrary authority over anything, whether acquired lawfully or by usurpation. The Constitution regulates our stewardship. The Constitution devotes the domain to union, to justice, to defence, to welfare and liberty. But there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purposes. The territory is a part—no inconsiderable part—of the common heritage of mankind, bestowed upon them by the Creator of the Universe. We are his stewards, and must so discharge our trust as to secure in the highest attainable degree their happiness. How momentous that trust is, we may learn from the institutions of the founder of modern philosophy.

"No man can, by care-taking," as the Scriptures saith, "add a whit to his stature in this little model of man's body; but in the great frame of kingdoms and commonwealths, it is in the power of princes or estates to add amplitude and greatness to their kingdoms: for by introducing such ordinances, constitutions, and customs, as are wise, they may sow greatness to their posterity and successors. But these things are commonly not observed, but left to take their chance."

We are an estate, and are deliberating for the Commonwealth just as our fathers deliberated in establishing the institutions we enjoy. Whatever superiority there is in our condition and hopes over those of any other "kingdom" or

"estate" is due to the fortunate circumstance that our ancestors did not leave things to take their chance, but that they added amplitude and greatness to our Commonwealth, by introducing such ordinances, constitutions, and customs as were wise.

We, in our time, have succeeded to the same responsibilities, and we cannot approach the duty before us wisely or justly, except we raise ourselves to the great consideration of how we can most certainly sow greatness to our posterity and successors. And now the simple, bold, and awful question, which presents isself to us, is this: Shall we, who are founding institutions, social and political, for countless millions,—shall we who know by experience the wise and the just, and are free to choose them, and to reject the erroneous and the unjust,—shall we establish human bondage, or permit it by our sufferance to be established? Sir, our fathers would not have hesitated an hour. They found slavery existing here, and they left it only because they could not remove it. There is not only no free State which would now establish it, but there is no slave State which, if it had but the free alternative, as we now have, would have founded slavery. Indeed, our revolutionary predecessors had precisely the same question before them, in establishing an organic law under which the States of Ohio, Michigan, Illinois, Wisconsin, and Iowa have since come into the Union; and they solemnly repudiated and excluded Slavery from those States forever. I confess that the most alarming evidence of our degeneracy which has yet been given, is found in the fact that we even debate such a question.

Sir, there is no Christian nation that, free to choose as we are, would establish Slavery. I speak on due consideration, because Britain, France, and Mexico have abolished Slavery, and all other European States are preparing to abolish it as rapidly as they can.

We cannot establish Slavery, because there are certain elements of the security, welfare, and greatness of nations, which we all admit, or ought to admit and require, as essential; and these are—the security of natural rights, the diffusion of knowledge, and the freedom of industry. Slavery is incompatible with all of these; and just in proportion to the extent that it prevails and controls in any republican State, just to that extent it subverts the principle of Democracy, and converts the State into an aristocracy or despotism. I will not offend sensibilities by drawing my proof from the Slave States existing among ourselves, but I will draw them from the greatest of the European Slave States. The population of Russia, in Europe, in 1844, was 54,251,000. Of these were serfs, 53,500,000; the residue, nobles, clergy, merchants, &c., 751,000. The imperial government abandons the control over the fifty-three and a half millions to their owners, and the residue, included in the 751,000, are thus a privileged clan or aristocracy. If ever the government interferes at all with the serfs, who are the only laboring population, it is by edicts, designed to abridge the opportunities of education, and thus continue their debasement. What was the origin of this system? Conquest; in which the captivity of the conquered was made perpetual and hereditary.

This, it seems to me, is identical with American Slavery, only at one and the same time exaggerated by the greater disproportion between the privileged classes and the slaves in their respective numbers, and yet relieved of the unhappiest feature of American Slavery—the distinction of castes. What but this renders Russia at once the most arbitrary despotism, and the most barbarous State in Europe? And what is its effect but industry comparatively profitless, and sedition not occasional and partial, but chronic and pervading the empire? With Massachusetts and Ohio among us, shall we pass by their free and beneficent examples, and select our institutions from the dominions of the Czar?

I cannot stop to debate long with those who maintain that Slavery is in itself practically economical and humane. I might be content with saying that there are some axioms in political science that a statesman or a founder

of States may adopt, especially in the Congress of the United States, and that among these axioms are these: —

That all men are created equal, and have inalienable rights of life, liberty, and the choice of pursuits of happiness;

That knowledge promotes virtue, and righteousness exalteth a nation;

That Freedom is preferable to Slavery, and that democratic governments, when they can be maintained by acquiescence without force, are preferable to institutions exercising arbitrary and irresponsible power.

It remains only to say, on this part of the subject, that Slavery, being incongruous and repugnant, is dangerous to the safety of the State. The conservative principle of the State is the security of the voluntary acquiescence of the people. That acquiescence is obtained by universal suffrage, which demands, of course, equality of knowledge and property, as far as that is practically attainable without injustice or oppression. This argument is sustained by our own experience. There is no danger menacing the Union, there never has been any that would have menaced it, had Slavery had no shelter beneath its protection. If Slavery, confined as it now is, threatens the invasion of the Constitution, how can we enlarge its boundaries and increase its influence without increasing the danger already existing?

Whether, then, I regard merely the welfare of the future inhabitants of the new Territories, or the security and welfare of the whole people of the United States, or the welfare of the whole family of mankind, I cannot consent to introduce Slavery into any part of this continent which is now exempt from what seems to me to be so great an evil.

These are my reasons for declining to compromise the questions relating to Slavery as a condition of the admission of California.

In acting upon an occasion so grave as this, a respectful consideration is due to the arguments, founded on extraneous considerations, of Senators who counsel a course different from that which I have preferred.

The first of these arguments is, that Congress has no power to legislate on the subject of Slavery within the Territories. Sir, Congress has power to admit new States; and since Congress may admit, it follows that Congress may reject new States. The discretion of Congress in admitting is absolute, except that, when admitted, the State must be a republican State, and must be a *State*,—that is, it shall have the Constitutional powers of a State. But the greater includes the less; we may impose conditions not inconsistent with those fundamental powers. Boundaries are such; the reservation of the public domain is such; the right to divide is such; the ordinance excluding Slavery is such a condition. The organization of territory is auxiliary or preliminary. It is the inchoate, initiative act of admission, and is performed under the clause granting the power necessary to execute the express powers of the Constitution. This power comes from the treaty-making power also, and I think it is well traced to the power to make needful rules and regulations concerning the public domain. But the power is here to be exercised, however derived; and the right to regulate property, to administer justice in regard to property, is assumed in every territorial charter. If we have power to legislate concerning property, we have concerning personal rights. Freedom *is* a personal right. The Constitution does not sanction property in man, and Congress, being the supreme legislature, has the same right in regard to property and rights in Territories that the States would have if organized.

It is insisted further that the inhibition is unnecessary.

And here I have to regret the loss of able and distinguished Senators who go with us for the admission of California. Especially do I regret the separation from us of the able and distinguished Senator from Missouri (Mr. Benton). When that Senator announced that he should not sustain the Proviso of Freedom, I was induced to exclaim,

> Cur in theatrum, Cato severe venisti,
> An ideo tantum veneras ut exires.

But that distinguished Senator is crowning a life of eminent public service by

bringing the first State of the Pacific into the Union, and, grateful to him for that, I freely leave to him to determine for himself what weight he will give to the cause of human freedom in his action on so grave an occasion.

The argument is that the Proviso is unnecessary. I answer, then there can be no error in insisting upon it. But why is it unnecessary? It is said, first, by reason of the climate. If this be so, why do not the representatives of the Slave States yield the Proviso? They deny that climate prevents the introduction of Slavery. Now, I will leave nothing to contingency. But in truth, I think the argument is against the proposition. Is there any climate where Slavery has not existed? It has prevailed all over Europe, from sunny Italy to bleak England, and is existing now, stronger than in any other land, in ice-bound Russia.

But it will be replied that this is not African Slavery. I rejoin, that only makes the case the stronger. If this vigorous Saxon race of ours was reduced to Slavery while it retained the courage of semi-barbarism, in its own high northern latitude, what security does climate afford against the transplantation of the more gentle, more docile, and already enslaved and debased African, to the genial clime of New Mexico and California? Sir, there is no climate uncongenial to Slavery. It is true it is less productive than free labor in many northern countries; but so it is less productive than free white labor in even tropical climates. Labor is in quick demand in all new countries. Slave labor is cheaper than free labor, and will go first into new regions; and wherever it goes it brings labor into dishonor, and therefore free white labor avoids competition with it. Sir, I might rely on climate, if I had not been born in a land where Slavery existed, and that land was all north of the 40th parallel of latitude, and if I did not know the struggle that it has cost, and which is yet going on, to get complete relief from the institution and its baleful consequences.

But, Sir, it is said that Slavery is prevented by the laws of God from entering into the Territory from which we propose to inhibit it. I will look into that matter a little more closely. I wish, then, with the utmost respect to ask Senators whether the Ordinance of 1787 was necessary or not? That Ordinance has been the subject of too many eulogiums to be now pronounced a vague and idle thing. That Ordinance carried the prohibition of Slavery quite up to the 49th deg. of north latitude, and yet we are now told that we can trust the laws of God without any ordinance to exclude Slavery as far down as 36 deg. 30 min. Unfortunately, too, the Ordinance of 1787 began on the 37th parallel of north latitude, so that there is no part of the Territory which it covered, in which Slavery, according to the present theory, was not excluded by the law of God. I know no better authority as to the laws of God on this subject than one from whom I have already had occasion to quote with some freedom. And it is the opinion of Montesquieu that it is only the indolence of mankind, and not the climate, which causes the introduction of Slavery anywhere. There is no climate where slavery is necessary; there is none where it cannot be established, if the customs and laws permit.

I shall dwell only very briefly on the argument derived from the Mexican laws. The proposition that those laws must remain in force until altered by laws of our own is satisfactory; and so is the proposition that those Mexican laws abolished and continue to prohibit slavery; and still I deem an enactment by ourselves wise and even necessary.

Both of the propositions I have stated are denied with just as much confidence by Southern statesmen and jurists as they are affirmed by those of the Free States. The population of the new Territories is rapidly becoming an American one, to whom the Mexican code will seem a foreign one, entitled to little deference or obedience. Slavery has never obtained anywhere by express legislative authority, but always by trampling down laws higher than any mere municipal laws—the law of nature and of nations. There can be no oppression in superadding the sanction of Congress to the authority which is so weak and so vehemently questioned. And there is some possibility, if not

a probability, that the institution might obtain a foothold surreptitiously, if it should not be absolutely forbidden by our own authority.

What is insisted upon, therefore, is not a mere abstraction or a mere sentiment, as is contended by those who concur with us as to admitting California, but would waive the Proviso. And what is conclusive on the subject is, that it is conceded on all hands that the effect of insisting on it prevents the extension of Slavery into the region to which it is proposed to apply it. Again, it is insisted that the diffusion of Slavery does not increase its evils. The argument seems to me merely specious and quite unsound.

And this brings me to the great and all-absorbing argument that the Union is in danger of being dissolved, and that it can only be saved by compromise.

I do not overlook the fact that the entire delegation from the Slave States, although they differ in the details of compromise proposed, and perhaps also upon the exact circumstances of the crisis, seem to concur in the momentous warning. Nor do I doubt at all the patriotic devotion to the Union which is expressed by those from whom this warning proceeds. And yet, Sir, although these warnings have been uttered with impassioned solemnity in my hearing, every day for near three months, my confidence in the Union remains unshaken. I think they are to be received with no inconsiderable distrust, because they are uttered under the influence of a controlling interest to be secured, a paramount object to be gained,—and that is, an equilibrium of power in the Republic. I think they are to be received with even more distrust, because, with the most profound respect, they are uttered under an obviously high excitement; nor is that excitement an unnatural one. It is a law of our nature, that the passions disturb the reason and judgment just in proportion to the importance of the occasion and the consequent necessity for calmness and candor. I think they are to be distrusted, because there is a diversity of opinion in regard to the nature and operation of this excitement. The Senators from some States say that it has brought all parties in that region into unanimity. The Senator from Kentucky says that the danger lies in the violence of the party spirit, and refers us to the difficulties which attended the organization of the House of Representatives.

Sir, in my humble judgment, it is not the fierce conflict of parties that we are seeing and hearing; but, on the contrary, it is the agony of distracted parties; a convulsion resulting from the too narrow foundations of both and of all parties,—foundations laid in compromises of natural justice and of human liberty. A question—a moral question—transcending the too narrow creeds of parties has arisen. The public conscience expands with it, and the green withes of party associations give way and break and fall off from it. No, Sir, it is not the State that is dying of the fever of party spirit. It is merely a paralysis of parties, premonitory of their restoration with the new elements of health and vigor imbibed from that spirit of the age which is so justly called progress.

Nor is the evil that of unlicensed, irregular, and turbulent faction. We are told that twenty legislatures are in session burning like furnaces, heating and inflaming the popular passions. But those twenty legislatures are Constitutional furnaces. They are performing their customary functions, imparting healthful heat and vitality, while within their Constitutional jurisdiction. If they rage beyond its limits, the popular passions of this country are not at all, I think, in danger of being inflamed to excess. No, Sir, let none of those fires be extinguished. Forever let them burn and blaze. They are neither ominous meteors nor baleful comets; but planets; and bright and intense as their heat may be, it is their native temperature, and they must still obey the law which by attraction toward the centre holds them in their spheres.

I see nothing in that conflict between the Southern and the Northern States, or between their representative bodies, which seems to be on all sides of me assumed. Not a word of menace, not a word of anger, not an intemperate word, has been uttered in any Northern legislature. They firmly but calmly assert their convictions, but at the same time they assert their unqualified pur-

pose to submit to the common arbiter, and for weal or woe abide the fortunes of the Union.

What if there be less of moderation in the legislatures of the South. It only indicates on which side the balance is inclining, and that the decision of the government is near at hand. I argue with those who say that there can he no peaceful dissolution—no dissolution of the Union by the secession of States, but that disunion, dissolution, happen when it may, will and must be revolution. I discover no omens of revolution. The predictions of the political astrologers do not argue as to time or manner in which it is to occur. According to the authority of the Hon. Senator from Alabama, (Mr. Clemens,) the event has already happened, and the Union is now in ruins. According to the horoscope of the Hon. Senator from Mississippi, (Mr. Foote,) it was to take place on a day already past. According to the Hon. and distinguished Senator from South Carolina, (Mr. Calhoun,) it is not to be immediate, but to be developed by time.

[Mr. FOOTE here interposed and disowned the construction which had been put upon his remarks, and made further explanations.]

Mr. SEWARD—I am very happy to have given the Senator an opportunity to correct the erroneous impression which the remark which I have referred to had made. Now the Hon. Senator will do me the justice to allow that I am at liberty to subtract one prediction form the political almanac, and so the predictions lose so much of importance.

I see no omens of revolution. What are the omens to which our attention is directed? I see nothing but a broad difference of opinion here, and the excitement consequent upon it.

I have observed that revolutions which begin in the palace seldom go beyond the palace walls, and these affect only the dynasty which reigns there. This revolution, if I understand it, began here in the Senate a year ago, when the Representatives from Southern States assembled here and addressed their constituents on what was called the aggressions of the Northern States. No revolution was designed at that time, and all that has happened since is the return to Congress of legislative resolutions, which seem to me to be conventional responses to the address which emanated from the capital.

Sir, in any condition of society there can be no revolution without a cause—an adequate cause. What cause exists here? We are admitting a new State, but there is nothing new in that—we have already admitted seventeen before. But it is said that the Slave States are in danger of losing political power by the admission of the new State. Well, Sir, is there anything new in that? The Slave States have always been losing political power, and they always will be while they have any to lose. At first twelve of the thirteen States were Slave States. Now only fifteen of the thirty are Slave States. Moreover, the change is constitutionally made, and the government was constructed so as to permit changes of the balance of power, in obedience to changes of the forces of the body politic. DANTON used to say, "It 's all well while the people cry DANTON and ROBESPIERRE, but woe for me if ever the people learn to say, ROBESPIERRE and DANTON!" That is all of it, Sir. The people have been accustomed to say, the South and North—they are beginning now to say, the North and the South.

Sir, those who would alarm us with the terrors of revolution have not well considered the structure of this government and the organization of its forces. It is a Democracy of property and persons, with a fair approximation toward Universal Education, and operating by means of Universal Suffrage. The constituent members of this Democracy are the only persons who could subvert it; and they are not the citizens of a metropolis, like Paris, or of a region subjected to the influences of a metropolis, like France, but they are husbandmen dispersed over this broad land, on the mountain, and on the plain, and on the prairie, from the Ocean to the Rocky Mountains, and from the Great Lakes to the Gulf. And this people are now, while we are discussing their imaginary danger, at peace and in their happy homes, and as un-

concerned and even as uninformed of their peril as they are of events occurring in the moon. Nor have the alarmists made due allowance in their calculations for the influence of conservative reaction—strong in any government, and irresistible in a rural Republic operating by universal suffrage. That principle of reaction is due to the force of the habits of acquiescence and loyalty among people. No man better understood this principle than MACHIAVELLI, who has told us in regard to factions that "no safe reliance can be placed in the force of Nature and the bravery of words except it be corroborated by custom." Do the alarmists remember that this government has stood sixty years already without exacting one drop of blood—that this government has stood sixty years, and treason is an obsolete crime? That day I trust is far off when the fountains of popular contentment shall be broken up—but whenever it shall come it will bring forth a higher illustration than has ever yet been given of the excellence of the Democratic system. For then it will be seen how calmly, how firmly, how nobly a great people can act in preserving their Constitution, when "Love of Country moveth, Example teacheth, Company comforteth, Emulation quickeneth, and Glory exalteth."

When the founders of the new Republic of the South come to draw over the face of this empire, along or between its parallels of latitude or longitude, their ominous lines of dismemberment, soon to be broadly and deeply shaded with fraternal blood, they may come to the discovery then, if not before, that the national and even the political connections of the region embraced forbids such a partition; that its passable divisions are not northern and southern at all, but eastern and western, Atlantic and Pacific, and that nature and commerce have allied indissolubly for weal and woe the seceders, and those from whom they are to be separated; that while they would rush into a civil war to restore an imaginary equilibrium between the Northern States and the Southern States, that a new equilibrium had taken its place, in which all those States are on the one side and the boundless West was on the other.

Sir, when the founders of the new Republic of the South come to trace those fearful lines, they will indicate what portions of the continent are to be broken off from their connection with the Atlantic through the St. Lawrence, the Hudson, the Delaware, the Potomac, and the Mississippi; what portion of this people are to be denied the use of the lakes, the railroads, and the canals, now constituting common and customary avenues of travel, trade, and social intercourse; what families and kindred are to be separated, and converted into enemies, and what States are to be the scenes of perpetual border warfare, aggravated by interminable horrors of interminable insurrection. When those portentous lines shall be drawn, they will disclose what portion of this people is to retain the army and the navy, and the flag of so many victories; and, on the other hand, what portion of this people is to be subjected to new and ruinous imposts, direct taxes, and forced loans and conscriptions, to maintain an opposing army and opposing navy, and the new and hateful banner of sedition. Then the projectors of the new Republic of the South will meet the question—and they may well prepare now to answer it—"What is all this for?—what intolerable wrong, what unfraternal injustice, has rendered these calamities unavoidable?—what gain will this unnatural revolution bring to us?" The answer will be—"All this is done to secure the institution of African Slavery."

And then, if not before, the question will be discussed, What is this institution of slavery, that it should cause these unparalleled sacrifices, and these disastrous afflictions? And this will be the answer. When the Spaniards, few in number, discovered the western Indies and the adjacent continental America, they needed labor to draw forth from its virgin stores some speedy return to the cupidity of the court and bankers of Madrid; they enslaved the indolent, inoffensive, and confiding natives, who perished by thousands, and even by millions, under that new and unnatural bondage. A humane ecclesiastic advised the substitution of Africans reduced to captivity in their native wars, and a pious Princess adopted the suggestion, with a dispensation from

the Head of the Church, granted on the ground of the prescriptive right of the Christian to enslave the heathen to effect his conversion. The colonists of North America, innocent in their unconsciousness of wrong, encouraged the slave traffic, and thus the labor of subduing their territory devolved chiefly upon the African race. A happy conjunction brought on an awakening of the conscience of mankind to the injustice of slavery, simultaneously with the independence of the colonies. Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, New York, New Jersey, and Pennsylvania welcomed and embraced the spirit of universal emancipation; renouncing luxury, they secured influence and empire. But the States of the South, misled by a new and profitable cultivation, elected to maintain and perpetuate Slavery, and thus, choosing luxury, they lost power and empire.

When this answer shall be given, it will appear that the question of dissolving the Union is a complex question—that it embraces the fearful issue whether the Union shall stand, and Slavery, under the steady, peaceful action of moral, social, and political causes, be removed by gradual voluntary effort and compensation, or whether the Union shall be dissolved, and civil wars ensue, bringing on violent but complete and immediate emancipation. We are now arrived at that stage of our national progress when that crisis can be foreseen, when we must foresee it. It is directly before us. Its shadow is upon us. It darkens the legislative halls, the temples of worship, and the home and the hearth. Every question, political, civil, or ecclesiastical, however foreign to the subject, Slavery brings up, Slavery is an incident, and the incident supplants the principal question. We hear of nothing but Slavery, and we can talk of nothing but Slavery. And now it seems to me that all our difficulties, embarrassments, and dangers arise not out of unlawful perversions of the question of Slavery, as some suppose, but out of the want of moral courage to meet this question of emancipation as we ought. Consequently we hear on one side, demands—absurd, indeed, but yet unceasing—for an immediate and unconditional abolition of Slavery, as if any power except the people of the Slave States could abolish it, and as if they could be moved to abolish it by merely sounding the trumpet violently and proclaiming emancipation, while the institution was interwoven with all their social and political interests, constitutions, and customs.

On the other hand, our statesmen say that Slavery has always existed, and for aught they know, or can do, it always must exist, God permitting it, and He only can indicate the way to remove it; as if the Supreme Creator, after giving us the instructions of his providence and revelation for the illumination of our minds and consciences, did not leave us in all human transactions, with due invocations of his Holy Spirit, to seek out his will, and execute it for ourselves.

Here, then, is the point of my separation from both of these parties. I feel assured that Slavery will give way, and must give way, to the salutary instructions of economy, and to the ripening influences of humanity,—that emancipation is inevitable, and is near,—that it may be hastened or hindered, and that whether it be peaceful or violent depends upon the government, whether it be hastened or hindered,—that all measures which justify Slavery or extend it, tend to the consummation of violence,—all that check its extension and abate its strength, tend to its peaceful extirpation. But I will adopt now none but lawful, Constitutional, and peaceful means to secure even that end; and none such can I or will I forego.

Nor do I know any important or responsible body that proposes to do more than this. No Free State claims to extend its legislation into a Free State. None claims that Congress shall usurp power to abolish slavery in the slave States. None claims that any violent, unconstitutional, or unlawful measures shall be resorted to. And on the other hand, if we offer no scheme or plan for the adoption of the Slave States, with the assent or co-operation of Congress, it is only because the Slave States are unwilling as yet to receive such suggestions, or even to entertain the question of emancipation in any State.

But, Sir, I will take this occasion to say, that while I cannot agree with the

Hon. Senator from Massachusetts in proposing to devote $80,000,000 to remove the free colored population from the Slave States, and thus, as it appears to me, fortify Slavery,—there is no reasonable limit to which I am not willing to go in applying the national treasures to effect the peaceful voluntary removal of Slavery itself.

I have thus endeavored to show that there is not now, and is not likely to occur, any adequate cause for revolution in regard to Slavery. But you reply that, nevertheless, you must have guaranties. And the first one is for the surrender of fugitives from labor. That guaranty you cannot have, as I have already shown, because you cannot roll back the tide of social progress. You must be content with what you have. If you wage war against us, you can, at most, only conquer us, and then all you can get will be a treaty, and that you have already. But you insist on a guaranty against the abolition of Slavery in the District of Columbia, or war. Well, when you shall have declared war against us, what shall hinder us from immediately decreeing that Slavery shall cease within the national capital?

You say that you will not submit to the exclusion of slaves from the new Territories. What will you gain by resistance? Liberty follows the sword, although her sway is one of peace and beneficence. Can you propagate Slavery, then, by the sword?

You insist that you cannot submit to the freedom with which Slavery is discussed in the Free States. Will war—a war for Slavery—crush or even moderate that discussion? No, Sir, that discussion will not cease.

War would only inflame it to a greater height. It is a part of the eternal conflict between truth and error, between mind and physical force, the conflict of man against the obstacles which oppose his way to an ultimate and glorious destiny. It will go on until you shall terminate it in the only way in which any State or nation has terminated it, by yielding to it—yielding in your own time and in your own manner, indeed, but nevertheless yielding to the progress of emancipation.

You will do this sooner or later, whatever may be your opinions now; because nations which were prudent and humane, and wise as you are, have done so already.

Sir, the Slave States have no reason to fear that this inevitable change will go too far or too fast for their safety or welfare. It cannot well go too fast or too far, if the only alternative of it is a war of races.

But it cannot go too fast. Slavery has a reliable and accommodating ally in a party in the Free States which, though it claims to be and doubtless is, in many respects, a party of progress, finds its sole security for its political power in the support and aid of Slavery in the Slave States. Of course I do not include in that party those who are now co-operating in maintaining the cause of Freedom against Slavery. I am not of this party of progress in the North which lends its support to Slavery. But it is only just and candid that I should be a witness to their fidelity to the interests of Slavery. Slavery has, moreover, a more natural alliance with the aristocracy of the North and with the aristocracy of Europe.

So long as slavery shall possess the cotton fields, the sugar fields, and the rice fields of the world, so long will commerce and capital yield its toleration and sympathy. Emancipation is a democratic revolution. It is capital that arrests all democratic revolutions. It was capital that in a single year rolled back the tide of revolution on the base of the Carpathian Mountains, across the Danube and the Rhine, into the streets of Paris. It is capital that is rapidly rolling back the throne of Napoleon into the chambers of the Tuilleries.

Slavery has a guaranty still stronger than these in the prejudices of caste and color, which induce even large majorities in all the Free States to regard sympathy with the slave as an act of unmanly humiliation and self-abasement.

Although philosophy meekly expresses her distrust of the asserted natural superiority of the white race, and confidently denies that such a superiority, if justly claimed, could give a title to oppression, there remains one more

guaranty—one that has seldom failed you, and will seldom fail you hereafter. New States cling in closer reliance than the older ones to the federal power. The concentration of the slave power enables you for long periods to control the federal government, with the aid of the new States. I do not know the sentiments of the Representatives of California; but my word for it, if they should be admitted on this floor to-day against your most obstinate opposition, they would, on all questions really affecting your interests, be found at your side. With these allies and aids to break the force of emancipation, there will be no disunion and no secession. I do not say that there may not be disturbance, though I do not apprehend even that. Absolute regularity and order in administration have not yet been established in any government, and unbroken popular tranquillity has not yet been attained in even the most advanced condition of human society. The machinery of our system is necessarily complex. A pivot may fall out here—a lever may be displaced there—but the machinery will soon recover its regularity, and move on just as before, with even better adaptation and adjustment to overcome new obstructions.

There are many well-disposed persons who are alarmed at the occurrence of any such disturbance.

The failure of a legislative body to organize is, to their apprehension, a fearful omen, and an extra Constitutional assemblage to consult upon public affairs is with them cause for desperation. Even Senators speak of the Union as if it existed only by consent, and, as it seems to be implied, by the assent of the Legislatures of the States. On the contrary, the Union was not founded in voluntary choice, nor does it exist by voluntary consent.

A Union was proposed to the Colonies by FRANKLIN and others, in 1754; but such was their aversion to an abridgment of their own importance respectively, that it was rejected even under the pressure of a disastrous invasion by France.

A Union of choice was proposed to the Colonies in 1775; but so strong was their opposition that they went through the War of Independence without having established more than a mere Council of Confederation.

But with Independence came enlarged interests of agriculture, absolutely new interests of manufactures, interests of commerce, of fisheries, of navigation, of a common domain, common debts, of common revenues and taxation, of the administration of justice, of public defence, of public honor, in short, interests of common nationality and sovereignty; interests which at last compelled the adoption of a more perfect Union—a national government.

The genius, talent, and learning of HAMILTON, of JAY, of MADISON, surpassing, perhaps, the intellectual power ever excited before for the establishment of a government, combined with the serene but mighty influence of WASHINGTON, were only sufficient to secure the reluctant adoption of the Constitution that is now the object of all our affections and of the hopes of mankind. No wonder that the conflicts in which that Constitution was born, and the almost desponding solemnity of WASHINGTON in his Farewell Address, impressed his countrymen and mankind with a profound distrust of its perpetuity! No wonder that while the murmurs of that day are yet ringing in our ears, we have cherished that distrust with pious reverence as a national and patriotic sentiment.

But it is time to prevent abuses of that sentiment. It is time to shake off that fear, for fear is always weakness. It is time to remember that government, even when it arises by chance or accident, and is administered capriciously and oppressively, is ever the strongest of all human institutions, surviving many social and ecclesiastical changes and convulsions, and that this government of ours has all the inherent strength common to governments, and added to them is the solidity and firmness derived from broader and deeper foundations in natural justice, and from a better civil adaptation to promote the welfare and happiness of mankind.

The Union, the creation of necessities physical, moral, social, and political, endures by virtue of the same necessities, and these necessities are stronger

than when it was produced, and by the greater amplitude of territory now covered by it;—stronger by the six-fold increase of the society living under its beneficent protection;—stronger by the augmentation ten thousand times of the fields, the workshops, the mines, and the ships of that society, of its productions of the sea, of the plough, of the loom, and of the anvil, in their constant circle of internal and international exchanges;—stronger in the long rivers penetrating regions before unknown;—stronger in all the artificial roads, canals, and other channels and avenues essential not only to trade but to defence;—stronger in steam navigation, in steam locomotion on the land, and in telegraph communications, unknown when the Constitution was adopted;—stronger in the freedom and in the growing empire of the seas;—stronger in the element of national honor in all lands, and stronger than all in the now settled habits of veneration and affection for institutions so stupendous and useful.

The Union, then, IS, not merely because that men choose that it shall be, but because some government must exist here, and no other government than this can. If it should be dashed to atoms by the whirlwind, the lightning, or the earthquake to-day, it would rise again in all its just and magnificent proportions to-morrow.

I have heard somewhat here, and almost for the first time in my life, of divided allegiance—of allegiance to the South and to the Union—of allegiance to States severally, and to the Union. Sir, if sympathies with State emulation and pride of achievement could be allowed to raise up another sovereign to divide the allegiance of a citizen of the United States, I might recognize the claims of the State to which by birth and gratitude I belong—to the State of Hamilton and Jay, of Schuyler, of the Clintons and of Fulton—the State which, with less than 200 miles of natural navigation connected with the ocean, has, by her own enterprise, secured to herself the commerce of the continent, and is steadily advancing to the command of the commerce of the world. But for all this, I know only one country and one sovereign—the United States of America and the American People.

And such as my allegiance is, is the loyalty of every other citizen of the United States.

As I speak he will speak when his time arrives; he knows no other country and no other sovereign; he has life, liberty, property, and precious affections, and hopes for himself and for his posterity, treasured up in the ark of the Union; he knows as well and feels as strongly as I do, that this government is his own government; that he is a part of it; that it was established for him, and that it is maintained by him; that it is the only truly wise, just, free, and equal government that has ever existed; that no other government could be so wise, just, free, and equal; that it is safer and more beneficent than any which time or change could bring into its place.

You may tell me, Sir, that although all this may be true, yet, that the trial of faction has not yet been made. Sir, if the trial of faction has not been made, it has not been because that faction has not always existed, and has not always menaced a trial, but because faction could find no fulcrum on which to place the lever to subvert the Union, as it can find no fulcrum now, and in this is my confidence. I would not rashly provoke this trial, but I will not suffer a fear which I have not to make me compromise one sentiment, one principle of truth or justice, to avert a danger that all experience teaches me is purely chimerical. Let those, then, who distrust the Union make compromises to save it. I shall not impeach their wisdom, as I certainly cannot their patriotism; but indulging no such apprehensions myself, I shall vote for the admission of California, directly, without conditions, without qualification, and without compromise. For the vindication of that vote I look not to the verdict of the passing hour, disturbed as the public mind now is by conflicting interests and passions, but to that period, happily not far distant, when the vast regions over which we are now legislating shall have received their destined inhabitants.

While looking forward to that day, its countless generations seem to me to be rising up and passing in dim and shadowy review before us. And the voice comes forth from their reviewed ranks, saying, "Waste your treasures, and your armies, if you will, raze your fortifications to the ground, sink your navies into the sea, transmit to us even a dishonored name, if you must; but the soil that you hold in trust for us, give it to us free; you found it free, and conquered it to extend a better and surer freedom over it. Whatever choice you have made for yourselves, let us have no partial freedom, let us all be free, let the reversion of our broad domain descend to us unincumbered and free from the calamities and the sorrows of human bondage."